

new trend. I think the computer industry learned this collaborative effort a long time ago, and I am pleased that the pharmaceutical industry is catching on to it, as demonstrated today.

I will close with that final thought because it does remind me how important it is to put the patient first. They did this yesterday by developing this pill, having the FDA to approve this particular pill. We need to do that throughout our health care system. We do have a health care system that is chaotic, in terms of its organization. It is not really even a system; it is more of a sector.

If we can go back to that principle of putting the patient first, putting the patient in the center, we can weed out the waste and weed out the inefficiency and lower the cost and make a very optimistic future for our health care system.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. FRIST. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: No. 735, No. 736, and No. 761.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. I further ask unanimous consent the nominations be confirmed en bloc, a motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

FEDERAL ENERGY REGULATORY COMMISSION

Philip D. Moeller, of Washington, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2010.

Jon Wellinghoff, of Nevada, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2008.

Marc Spitzer, of Arizona, to be a member of the Federal Energy Regulatory Commission for the term expiring June 30, 2011.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

Mr. FRIST. Mr. President, I see none of my colleagues on the floor at this juncture who want to speak, so I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NET NEUTRALITY

Mr. WYDEN. Mr. President, 2 weeks ago I came to the floor of the Senate and announced I will do everything in my power to block consideration of the major communications overhaul legislation until it includes language that specifically ensures what is called Net neutrality.

Now, since this is a new concept, and certainly much of the country probably has not heard these words before and Senators have been asking questions about it, I am going to begin this morning, and intend on other instances to continue the discussion, to start talking about why Net neutrality is so important and why I will do everything in my power to block legislation, major communications legislation, unless it ensures that Net neutrality is preserved.

The bottom line about this concept is pretty simple. It means there will not be discrimination on the Internet. Today, after you pay your access charge, your Internet access fee, you get to take your browser and you get to go where you want, when you want, and everybody is treated the same: the mightiest person in the land, the most affluent, and somebody, say, in rural Georgia or rural Oregon who does not have a lot of power and does not have a lot of wealth.

The Internet has been a huge step forward, in my view, for democracy, for the proposition our country is based on which is to give everybody a fair shake, where everybody is treated equally. It has meant a real bonanza for our citizens in areas such as education, health, business—a whole host of fields. There needs to be a clear policy preserving the neutrality of the Internet. And without tough sanctions against those who would discriminate online, in my view, the Internet would be changed forever, for the worse. I intend to do everything in my power to keep that from happening.

Since I came to the floor to announce that I will do everything I can to block this legislation in its current form, the phone companies and the major communications lobbies in this country have launched an all-out advertising blitz. They are now spending millions of dollars trying to win passage of this legislation that does not include protection for Net neutrality. They are spending millions of dollars so they can make billions of dollars when they implement a two-tiered system online.

They have been telling Wall Street about their plans for some time. The Wall Street Journal, for example, outlined a pay-to-play plan that the phone companies and the cable companies have been talking about in a fairly open kind of fashion.

All this discussion suggests there is something of a looming shortage of bandwidth. Of course, bandwidth is the speed at which all the information on the Web travels to the user. But what has not been given enough attention thus far, and what I will talk about this morning and in the days ahead, is that the real Net neutrality fight is not primarily over bandwidth but who is going to call the shots in this country about content on the Web. Content is all the information that is out there on the Web. It includes music, movies, e-mails, newspaper articles and Web sites.

Bandwidth speeds are getting faster and faster, allowing all this content to reach the users faster. But bandwidth without content is akin to a swimming pool without water. It is there, but you cannot do anything with it. So the real Net neutrality fight is going to be about content.

Now, those who control the pipes—the way you get to the Internet—also want to control the content. The reason for that is because content is king. What good is one gigabyte Internet connection if you cannot get to the Web sites you want to visit? Legislation that does not have strong Net neutrality protections will mean the American people will face discrimination in content.

The Internet has thrived precisely because it is free of discrimination. It has thrived because consumers, and not some huge cable or phone company, get to choose what they want to see and how quickly they get to see it. I do not think there is anything odd about fighting against a bill that will take control of the Internet away from the American people.

What the cable and phone executives propose is that instead of providing equal access for everyone to the same content, at the same price, they are going to be in a position to cut sweetheart deals, to give somebody they favor a better break than somebody whom they do not look upon in the same way. Those who own the pipes do not want to be told they cannot discriminate. They do not want to be told by the Congress, or anybody else, sweetheart deals are off limits.

What I have done is tried to look at the Senate Commerce Committee legislation and compare it to the kinds of concerns I think the American people are going to have with the legislation in its current form. So what I would like to do now is outline three examples of what could happen in our country if communications legislation that allows discrimination on the Internet was allowed to go forward.

The first example involves what I am calling the Barns family. The Barns family owns a struggling electronics store. Sales have been hammered lately because a new "big box" electronics store opened up down the road. George Barns' son Mike came up with an idea to save the store. He said: We can reach new customers. We will start a Web

site to sell our products on the Net. In a world with Net neutrality, the Barns family would pay to access the Internet, create a Web page, and they would be off to the races with their business and looking for opportunities.

Under the Commerce Committee bill, in order for the Barns family to launch their Web page in the fast lane so they could get priority access to customers, they could have to pay an additional fee to hundreds, if not thousands, of Internet access providers across the land. Priority access fees are a drop in the bucket for that "big box" store that is already hurting the sales of that small business run by the Barns family. If the Barns family can't pay the extra fees, they lose their business to the "big box" store, both offline and online. You see how small businesses and people who are trying to make a contribution to the economy compete in the free markets; you are going to see how they are going to have difficulty under this legislation.

The second example involves somebody whom I am calling Joe Green. Joe wants to get Internet broadband in his new apartment. Local cable is the only choice for Internet access, and it charges \$32.99 for a 1.5-megabyte-per-second connection. In a world with Net neutrality, when Joe buys his connection from local cable, he gets to visit any Web site he wants, when he wants, how he wants. If he wants to download a song, say, from iTunes for a buck, he can do that. If he wants to search the Web using Google or buy a DVD player online, Joe can do that, too. But under the legislation that came from the Commerce Committee, Joe may not be able to do any of those things unless he pays a new priority access charge on top of the \$32.99 Internet access charge he is paying already. Unless he pays the additional priority fee, a Web search at Google could take 5 minutes to load because Google is not paying the extra fee to local cable for priority access. Downloading a song—say the download Joe wants to make at iTunes—could cost him more than the buck he is paying because iTunes is passing on the cost of paying local cable the priority access fee that you could charge if the Commerce Committee bill goes forward as written. Joe wants to switch to another broadband provider but guess what. In a lot of communities, there is no choice. Joe is stuck. This is example No. 2 of how the American people are going to get hammered if discrimination is allowed online under this legislation.

Let me offer a third example I have developed as I looked at the Commerce Committee bill on overhauling our communications law. The third example involves somebody I have been calling Sally Smith. She is a young computer programmer. She has a great new algorithm for a Web browser that is going to help people access information on the Net faster and in a more user-friendly way. In a world with Net neutrality, Sally can get her idea all over

the tech Web sites that exist across the country, and people are going to be able to test it out. If all the people out there in the tech world like Sally's idea, word of her innovation would spread over the Web, across the land, and across the world. Millions of people would be able to download her new Web browser. But under the legislation coming from the Commerce Committee, Sally Smith could be stymied.

In addition to what she is already paying for Internet access, Sally is going to have to come up with yet more money to pay for priority access to the Internet fast lane that she so desperately will want in order to test her idea. If she wants her browser to succeed, she is going to be forced to fork over new priority access fees because she knows no one is going to go looking in the slow lane for a good new Web browser.

I came to the floor—I have already announced my hold on this legislation, and I will do everything to block this bill until it ensures that the Net in the future will be free of discrimination—because I wanted to go beyond my original statement to talk about how, under this bill, those who own the pipes to the Net, the phone and the cable people, could extend their reach under this legislation to put a stranglehold on Internet content. According to the business plans, plans that have been published in the Wall Street Journal, that is the direction in which we are headed.

Without Net neutrality, the people in these examples I have highlighted—a struggling entrepreneur, somebody getting started in their new home or apartment, a young computer programmer—are going to have real problems getting access to the Web and being able to afford the services that are now within their reach.

The big cable and phone lobbies want the public to think Net neutrality is what they call a lose-lose proposition. My view is, no Net neutrality will be the real loss for consumers. It will mean double-barrel discrimination, discrimination in Internet content, and higher prices for the consumers. That is why scores of groups all across the country, all across the political spectrum—groups and people who, I dare say, disagree almost always—are united behind the proposition that the Internet should be free of discrimination.

We are going to hear a lot about this issue in the days ahead. We are going to be told constantly that the phone and cable people will not build out the network unless they can sock the consumer and the small businesses with higher access charges. The way the system works today, where there is a true free marketplace, where the mightiest is treated online in the same way someone is treated who doesn't have a lot of money, doesn't have clout, that is the best way to grow the network, to expand communications opportunities, preserve the free marketplace so that

people, after they pay that Internet access charge, can go where they want, when they want.

Certainly a lot of our competitors around the world, people with whom we will be competing in the marketplace, treat everybody the same online. I can't figure out how we can expect to be competitive in the global marketplace if we start singling out, as I have described in the examples, the small businesses and entrepreneurs for what amounts to two-tiered communications services. They are not going to be able to compete. I want to make sure that somebody who is in a garage, say, in Texas, Oregon, or some other part of the country has the same opportunity to compete against people who are dreaming big in countries around the world.

As we discuss this communications issue, there will be a lot of talk about how this is a battle between big communications lobbies—say, the Verizon company and Google. It is sometimes portrayed as a fight between these overdogs, people who have a lot of clout and want to divide up the pie and get more for themselves. Verizon and Google can take care of themselves. They have deep pockets. They have lots of clout. But what I am concerned about are the future Googles, the people who are dreaming, the people with the startups, the people with innovative, cutting-edge ideas who have been able to go online and, as a result, have been successful. That is what the American dream is all about. That is what has made the Internet so exciting. It has created opportunities for those people who are a long way from major financial markets and who don't have deep pockets.

I do not want to see the American people face double-barrel discrimination and higher prices on the Net. I don't want to see them not have what they have today, which is a fair shake for all. Equal content gets equal treatment. I am going to stay at it with respect to this legislation as one Senator until we get true Net neutrality principles in the communications bill, until we ensure that the Net is free of discrimination.

The reason Net neutrality has become such a lightning rod in the debate about communications is that the Internet is the ball game. The 1996 telecommunications bill barely touched on the Net. In 2006, the Net neutrality debate on the Internet is the ball game because the Internet is how we are going to get all our communications in the future. It means we are going to look first to the Internet, and because it is so central to the future of communications, the Senate ought to insist that the Net be kept free of discrimination. We have done that in the area of taxation. I and other colleagues have said we are not going to allow multiple and discriminatory taxes on the Internet. We ought to make darn sure that it is done in this area as well so that

consumers don't get walloped with unnecessarily high prices and deteriorating service.

I will continue the fight to hold up this legislation until, for all time, the Net is free of discrimination.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Georgia.

IMMIGRATION

Mr. ISAKSON. Mr. President, for a moment I wanted to address the subject of immigration before we leave for the weekend.

About 2 months ago, I offered an amendment to the Senate immigration bill which at the time was referred to as a deal-breaker. I want to suggest that it is now being referred to as a deal-maker. I wish to offer some suggestions constructively for the Senate to consider and others who are involved in this debate.

I want to repeat, for the benefit of everyone, what the amendment I offered and the distinguished Presiding Officer supported, as well as many other Members of the Senate—not enough but almost enough—simply said: That no program contained in the act that granted legal status to someone who was in America illegally could take effect until the Secretary of Homeland Security certified that all of the border security measures proposed in the act in title I and section 233 of title II were in force, funded, and operational.

It has become known as a trigger because it said that any guest worker program or any other reform that took place could only take place after we had done the job the American people suggested we should do.

A lot of people said: We can't secure our border. If we can transplant hearts and fly to the Moon, we can secure our border. What we have needed is resolve. I have been pleased to see just this week countless articles in countless newspapers where all of the players in the debate, from the White House to the Senate, the House of Representatives, have now opened themselves to discuss a trigger in the immigration reform bill to ensure that when we have immigration reform, it is truly comprehensive because I would suggest to them that in the absence of border security, there can be no comprehensive reform.

Only when people know that the door is closed will they cooperate with not only the spirit but the letter of the law and the reforms that we make.

Just to remind us in the Senate, we were very specific in title I. The specifics of title I said we will train the 6,000 Border Patrol agents and put them online. That takes 2 years to do. It said we will build the barriers where necessary geographically and the roads where essential. That is doable in 2 years. We will deploy the 27 UAVs, the eyes in the sky, to surveil the entire 2,000-mile southwestern border. That is

doable, and it is doable within a year. We will build the detention facilities to end the catch-and-release practice and to begin to have true enforcement on the border. And we will have a verification program for guest workers and immigrants that is verifiable and not forgeable. That takes 2 years. So as a practical matter, as people have backed up from the original debate, they have looked forward. They now are seeing through the forest to look at the trees, and they say, yes, if we secure the border, it will take 2 years, but it is going to take 2 years to implement whatever else we would do on worker reform as well.

So folks are coming together. People are beginning to talk, and I am pleased with that—pleased with that because I am the grandson of an immigrant who came to this country, became a naturalized citizen, and I honor our immigration process. I am glad to see that because we depend on a workforce that is vibrant and dependable. And I am pleased to hear that because I believe the American people consider our border an emergency. And now that all the players are beginning to talk, hopefully we can close the deal.

Mr. President, yesterday the distinguished Senator from Alabama, Mr. SESSIONS, offered two amendments to the Homeland Security bill. Although they failed, they laid the groundwork for what I think is an important step for us to take and that is to go ahead and move forward with what all of us agree are the necessary steps for border security. That is the foundation upon which we can reach the final agreements on guest worker, on green cards, on quotas, and on citizenship, but only after the American people are convinced we have made the commitment to secure our border will the American people want us to make any deal on reform of immigration.

We pass emergency supplementals for various things in this body. We have done it in response to Katrina; we have done it in response to Iraq. I submit the American people would tell you there is no greater emergency than securing our border. If the White House sent an emergency supplemental to this Senate for the money to fund the UAVs, the 6,000 Border Patrol agents, and the rest of title I, I doubt we would see maybe one or two dissenters because everybody knows it is an emergency, they know it needs to be done. And if it is, in fact, correct, that border security first is the trigger for comprehensive reform which is necessary, then let's declare it an emergency. Let's have the proposal come to the floor, let's debate it, and let's fund it, so as the year progresses, as the hearings are done, as we come back in session in September, we in this Congress can deal with comprehensive reform built on the foundation of comprehensive border security first.

Mr. President, I appreciate your cooperation and that of all the colleagues in this body as we work dealing with a

very difficult and complicated but a very doable reform of our immigration laws. I appreciate the commitment of those so far in border security first, and I think in the end all of us together—the executive and legislative branches—can come together on comprehensive reform that is built on securing our border to ensure the reforms we make are lasting and agreed to.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 728

Mr. FRIST. Mr. President, I will soon ask for several unanimous consent requests and then probably go back into a quorum call for little bit, and I will have a final statement on stem cells that will be very brief.

Mr. President, as I mentioned this morning, there has been an objection to proceeding on the unanimous consent request of last night, or late yesterday afternoon, on the Water Resources Development Act. At this point, I want to turn my attention to that.

Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, on Tuesday July 18, the Senate proceed to the immediate consideration of Calendar No. 93, S. 728.

I further ask that the committee-reported amendments be withdrawn and the managers' substitute amendment at the desk be agreed to as original text for the purposes of further amendment and that the only other amendments in order be the following, the text of which is at the desk, with the specified time agreements equally divided in the usual form:

Boxer, Folsom Dam, 1 hour; Feingold-McCain, mitigation standards, 1 hour; Feingold-McCain, peer review, 4 hours; Inhofe-Bond, independent reviews, 1 hour; Inhofe, fiscal transparency, 1 hour; McCain-Feingold, prioritization report, 2 hours; McCain-Feingold, chief of engineers, 1 hour; Nelson of Florida, water projects, 1 hour; Specter, Federal hopper dredges, 1 hour.

I ask unanimous consent that there be 2 hours of general debate on the bill, and that following the disposition of amendments and the use or yielding back of time, the bill, as amended, be read the third time and the Senate proceed to the consideration of Calendar No. 166, H.R. 2864, the House companion, and that all after the enacting clause be stricken, and the text of S.